

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

April 17, 1997      LB 882

the judge can put anybody on probation for about any offense. And I guess I have a question for Senator Engel or Senator Don Pederson, and I see Senator Pederson is gone, so...if this is probation, and these people are sentenced to the work camp facility, which would be part of the probation status, then wouldn't the court have the control over the probation if the judge decided that they violated in some circumstance after they completed the work camp part of it?

SENATOR ENGEL: I'll tell you what I'll do, Senator Schmitt. If you wouldn't mind, would you restate that question because you're asking something more of a legal basis and I'll have doctor...I mean...doctor...we've got doctors, we've got Governors, we've got everybody here today...Senator Don Pederson to respond to that.

SENATOR SCHMITT: Okay.

SPEAKER WITHEM: Senator Pederson, will you respond to a question from Senator Schmitt?

SENATOR D. PEDERSON: Yes, I will.

SENATOR SCHMITT: Yes, Senator Pederson. If this work camp is probation, and the word has been used that these people would be going to prison, and this would be probation rather than...

SENATOR D. PEDERSON: Yes.

SENATOR SCHMITT: ...going to prison. Well, I think the wording probably should be these people could be going to prison. They wouldn't necessarily be going, but they could by the sentence of the court. So, if they are sentenced to the work camp by the court as part of the probation, rather than going to prison, then wouldn't the court already have the decision to make whether they violated it, even after they had completed the work camp process?

SENATOR D. PEDERSON: This all remains under the jurisdiction of the court, and the court is going to make the determination, and I think we just have the amendment this morning that said that this person is going to go to the penitentiary. So it's not